RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL
OF THE CITY OF CHESTERFIELD
AT 690 CHESTERFIELD PARKWAY WEST

June 5, 2006

The meeting was called to order at 7 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor John Nations	
Councilmember Barry Flachsbart	
Councilmember Jane Durrell	
Councilmember Barry Streeter	
Councilmember Bruce Geiger	
Councilmember Dan Hurt	
Councilmember Mike Casey	
Councilmember Mary K. Brown	
Councilmember Connie Fults	

APPROVAL OF MINUTES

The minutes of the May 15, 2006, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations recognized Chief Ray Johnson and Director of Public Works/City Engineer Mike Geisel, who gave a presentation on the City's first Four of July Celebration. The event will take place July 4, 2006, from 7 – 10 p.m. on the Chesterfield Westfield Shoppingtowne parking lot. Superintendent of Parks, Recreation and Arts Darren Dunkle and Lt. Denny Hufford also provided additional details regarding this event.

Mayor Nations next announced that on June 1 St. Louis County Board of Election Commissioners and other county officials publicly introduced the new voting machines, which will be used for the first time, for the August primary. Mayor Nations said there is a Board of Election website vote.stlouisco.com where the public can access a demonstration of the new machines.

Mayor Nations next announced that the next Concert in the Park series sponsored by the Chesterfield Chamber of Commerce has been scheduled for June 20 at Faust Park.

Mayor Nations next announced that the next meeting of City Council has been scheduled for Monday, June 19.

COMMUNICATIONS AND PETITIONS

Michael Rufkahr, Doering Engineering, 4850 Lemay Ferry, supported Bill No. 2453 (P.Z. 14-2005, Rhodes Development Plaze Tire).

Rick Clawson, 11477 Olde Cabin Road, architect for the petitioner, supported St. Lukes Parcel B and St. John's Rehabilitation Facility.

Stephanie Macaluso, 1514 Pacland Place, expressed appreciation for having had the opportunity to serve on the Planning Commission for the past 8 years.

APPOINTMENTS

Mayor Nations nominated Vicky Sherman, Ward 2 and Bud Hirsch, Ward 4, for re-appointment and Wendy Geckeler, Ward 4, for appointment to the Planning Commission. A motion was made by Councilmember Streeter, seconded by Councilmember Durrell, to re-appoint Ms. Sherman and Mr. Hirsch to the Planning Commission, for four-year terms. A voice vote was taken with an affirmative result (Councilmember Fults voted "No") and the motion was declared passed. Their terms will expire in 2010. Councilmember Streeter made a motion seconded by Councilmember Flachsbart, that the nomination of Ms. Geckeler be placed on the next Planning and Zoning Committee agenda. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mrs. Geckeler's potential appointment has been held pending her interview with the members of the Planning and Zoning Committee.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that the Committee discussed the issue of how to handle "unbudgeted expenditures" which involve the use of Fund Reserves, which might arise during the course of a given fiscal year. Currently there is no policy in place for a standard procedure and requests often go straight to Council, without analysis and without first coming to the F&A Committee. The Committee agreed on the following recommendation:

- Requests less than $50,000 total should by-pass the Committee and proceed to Council, without a statement of financial impact;
- Requests between $50,000 and $100,000 total should by-pass the Committee and go to Council with a statement of financial impact. The "financial impact" shall include one-time costs, as well any on-going expenses;
- Requests more than $100,000 total should first go to the F&A Committee, with a statement of financial impact, as noted above, before going to Council.

Councilmember Geiger made a motion, seconded by Councilmember Casey, to adopt the recommendations pertaining to the use of Fund Reserves to cover "unbudgeted expenditures". A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that currently the Council adheres to a policy which mandated a $400,000 transfer, from the General Fund to the Capital Fund, for the years 2006, 2007 and 2008. Director of Finance and Administration Jeremy Craig explained that the transfer is no longer necessary, since the Capital Fund is growing exceptionally well, because of continued growth in the sales tax base. Mr. Herring noted that in addition to the growing Capital fund, when the TIF dissolves, the Capital Fund will see an annual increase of at least $1 million. As a result, Councilmember Geiger stated that the transfer does not need to be mandatory. Councilmember Geiger made a motion, seconded by Councilmember Casey, to eliminate the mandatory transfer of $400,000, from the General Fund to the Capital Fund, for years 2007 and 2008. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that, at the last F&A Committee meeting, discussion took place regarding the City Council Committee system, which has been in place since shortly after the City's incorporation. At issue was whether to consider a change that would allow a non-Committee Councilmember, from the same Ward, to attend a Committee meeting, in place of the regular member, from that Ward, assuming the regular Committee member approved of the arrangement. After discussion, the Committee unanimously agreed to forward NO RECOMMENDATION to City Council, regarding any changes to the current Committee system.

Councilmember Geiger next reported that the Committee has scheduled an F&A "Committee-of-the-whole" meeting on Saturday, November 4. from 9 a.m. to 12 noon, to specifically focus on the General Fund, Parks Fund and Capital Fund proposed budgets for FY2007.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2452 (Accepts public streets – Chesterfield Business Park) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Hurt next reported that the contract with Allied Waste is due to expire the end of July. Based upon the overall performance of Allied Waste, he recommended exercising the option that the City had previously negotiated, to extend the current contract, at an across-the-board increase of just 3%. Given the increase in fuel prices, this proposed increase is very competitive. Councilmember Hurt made a motion, seconded by Councilmember Geiger, to extend the current contract with Allied Waste at an across-the board increase of 3%. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for June 26 at 7:30 a.m. and the main topic of discussion will be an update regarding the overall Parks Budget, as well as discussion regarding Parks Capital Improvement Projects.

Planning and Zoning Committee

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Durrell, to hold Bill No. 2431 (Various sections of Zoning Ordinance), until the June 19 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported that Bill No. 2459 (P.Z. 37-2005, 143 Long Road (Jack Wolf Property – Rezoning) will be read for the first time and Bill No. 2453 (P.Z. 14-2005, Rhodes Development (Plaza Tire), Bill No. 2454 (P.Z. 33-2005, THF Chesterfield Development (North Interstate Development _ CVPBAIII,LLC), Bill No. 2455 (P.Z. 19-2005, City of Chesterfield (Various sections of Zoning Ordinance, Estate Districts), Bill No. 2456 (P.Z. 02-2006, Manors at Schoettler Valley (Taylor Morley – Rezoning), Bill No. 2457 (P.Z. 03-2006, Manors at Schoettler Valley (Taylor Morley) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Brown next made a motion, seconded by Councilmember Geiger, to approve the amended Site Development Section Plan (Landscape Plan, Lighting Plan and Architectural Elevations) for St. Luke's Hospital (Parcel B). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion, seconded by Councilmember Geiger, to approve the Site Development Plan, Lighting Plan, Architectural Elevations and Landscape Plan for St. John's Rehabilitation Facility. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, that the fire access on the southside of the building be reduced, to a length approved by the Monarch Fire Protection District. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, that the fire lane be "stamped concrete", rather than asphalt. A voice vote was taken by a vote of 2 – 6, with Councilmembers Flachsbart and Hurt voting "Yes". The motion was declared defeated.

Councilmember Brown next made a motion that Richard Martens be selected to receive the Leonard Blake Ancient History Award, which will be presented to him at a future City Council meeting. The motion was seconded by Councilmember Streeter. Mr. Martens lives in Chesterfield and has done outstanding work in the area of archeology. He worked on the Nooning Tree site prior to the development and discovered many ancient artifacts. That area is now known as the "Martens Site". The motion was approved unanimously, by voice vote.

Councilmember Brown announced that the next regular meeting of this Committee has been scheduled for June 22 at 5:30 p.m. She also noted that a special P&Z Committee will be scheduled to enable the interview of Wendy Geckeler, as a nominee for appointment to the Planning Commission.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that bids were recently sought for the annual sidewalk repair projects, funded by the half-cent sales tax for capital improvements. Director of Public Works/City Engineer Mike Geisel recommends award of a contract to Benze-Parks, Inc., in an amount not to exceed $200,000, which is the amount contained within the FY 2006 Budget for this specific work. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award of a contract to Benze-Parks, Inc., in an amount not to exceed $200,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Durrell expressed her reservations regarding Ordinance No. 2268 ("Boarders"), regarding the renting of an occupied single family dwelling, and, since she was not able to attend the last City Council meeting, when this ordinance was adopted, Councilmember Durrell requested that a motion be made for reconsideration. No Councilmember offered such a motion. Mayor Nations stated that this legislation will be on the next Public Health and Safety agenda for additional review.

Councilmember Fults requested Mr. Herring to direct Staff and Mr. Heggie to prepare a list of the current members of the Planning Commission, including the number of years served, by each, and the attendance records, for each person, for the past two years. Mr. Heggie will also supply a list of requirements for being a member.

LEGISLATION

BILL NO. 2452 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN CHESTERFIELD BUSINESS PARK SUBDIVISION WITHIN THE CITY OF CHESTERFIELD **(SECOND READING; PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2452. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2452 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2452, with the following results: Ayes – Flachsbart, Hurt, Fults, Brown, Durrell, Geiger, Streeter and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2452 approved, passed it and it became **ORDINANCE NO. 2272.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2453 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT ON A 1.5 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF VALLEY DRIVE CENTER (P.Z. 14-2005, RHODES DEVELOPMENT/PLAZA TIRE) **(SECOND READING -PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED; BLUE SHEET AMENDMENT ADDED, AS DIRECTED)**

Councilmember Brown made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2453. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger made a motion, seconded by Councilmember Brown, to amend Page 4, F1 to eliminate the second sentence that "there shall be no parking on the northern portion of the site along Chesterfield Airport Road" and on G1 to eliminate the sentence "There shall be a berm and landscaping along Chesterfield Airport Road to provide screening from the parking on the subject site" and replace it with "The landscape plan will specifically address screening automobile headlights from Chesterfield Airport Road". A voice vote was taken, with the following

results: AYES – Fults, Brown, Durrell and Geiger; NAYS – Hurt, Flachsbart, Streeter and Casey. Mayor Nations broke the tie by voting AYE and the motion was approved. Bill No. 2453 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2453, as amended, with the following results: Ayes – Fults, Geiger, Casey, Flachsbart, Hurt, Streeter, Brown and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2453 approved, passed it and it became **ORDINANCE NO. 2273.**

BILL NO. 2454 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 6.6 ACRE PARCEL LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 40/INTERSTATE 64 AND EAST OF BOONE'S CROSSING (P.Z. 33-2005, THF CHESTERFIELD DEVELOPMENT/NORTH INTERSTATE DEVELOPMENT – CVPBAIII, LLC) **(SECOND READING- PLANNING COMMISSION RECOMMENDS APPROVAL; BLUE SHEET AMENDMENT ADDED, AS DIRECTED)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2454. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Casey to approve the attached "blue sheet". A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2454, as amended, with the following results: Ayes – Geiger, Fults, Flachsbart, Casey, Brown, Durrell, Hurt and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2454 approved, passed it and it became **ORDINANCE NO. 2274.**

BILL NO. 2455 REPEALS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.107 TO ALLOFOR A NEW CRITERIA FOR ESTATE DISTRICTS (P.Z. 19-2005, CITY OF CHESTERFIELD/VARIOUS SECTIONS OF THE ZONING ORDINANCE) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2455. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion seconded by Councilmember Geiger, to amend Section D, Page 4, Item 1 by removing "the" preceding Lot size calculation……." In paragraph D c., language proposed by City Attorney Rob

Heggie was "If the Petitioner demonstrates that a modification will encourage and promote good architecture in urban planning and if Council approves, a majority vote of City Council the Council will modify the standards contained in this section". In addition, City Attorney Heggie proposed a change on Page 5 C, e, which contains the same language. Councilmember Brown and Councilmember Geiger agreed to the language proposed by City Attorney Heggie. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2455 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2455, as amended, with the following results: Ayes – Hurt, Flachsbart, Durrell, Fults, Casey, Brown, Streeter, and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2455 approved, passed it and it became **ORDINANCE NO. 2275.**

BILL NO. 2456 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "R-2" 15,000 SQUARE FOOT RESIDENTIAL DISTRICT, FOR 8.85 ACRES OF LAND LOCATED EAST OF SCHOETTLER VALLEY ON SQUIRES WAY (P.Z. 02-2006, MANORS AT SCHOETTLER) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2456. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2456 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2456, with the following results: Ayes – Fults, Casey, Geiger, Hurt, Flachsbart, Durrell, Brown and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2456 approved, passed it and it became **ORDINANCE NO. 2276.**

BILL NO. 2457 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-2" 15,000 SQUARE FOOT RESIDENTIAL DISTRICT FOR 8.85 ACRES OF LAND LOCATED EAST OF SCHOETTLER VALLEY ON SQUIRES WAY (P.Z. 03-2006, MANORS AT SCHOETTLER VALLEY) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2457. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2457 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2457, with the following results: Ayes – Streeter, Durrell, Brown, Casey, Hurt, Fults, Geiger and Flachsbart. Nays - None.

Whereupon, Mayor Nations declared Bill No. 2457 approved, passed it and it became **ORDINANCE NO. 2277.**

BILL NO. 2459 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE ZONING FROM "M-3" PLANNED INDUSTRIAL AND "PI" PLANNED INDUSTRIAL TO "PI" PLANNED INDUSTRIAL TO ALLOW MEDICAL AND DENTAL OFFICES AND OFFICES FOR TWO PARCELS TOTALING .5-ACRES LOCATED ON THE WEST SIDE OF LONG ROAD, SOUTH OF CHESTERFIELD AIRPORT ROAD (P.Z. 37-2005, 143 LONG ROAD, JACK WOLF PROPERTY) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & ZONING COMMISSION RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED GREEN SHEET)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2459. A voice vote was taken with a unanimous affirmative result and Bill No. 2459 was read for the first time. A motion was then made by Councilmember Brown, seconded by Councilmember Casey, to approve the "green sheet" amendments. A voice vote was taken with a unanimous affirmative result and the Bill No. 2459 was amended.

ADJOURNMENT

Councilmember Streeter made a motion, seconded by Councilmember Brown, to adjourn the meeting to go into Executive Session to discuss litigation and property acquisition, as provided by RSMo 610.021(1) and (2). A roll call was taken with the following results: Ayes – Durrell, Brown, Streeter, Hurt, Flachsbart, Casey, Geiger and Fults. Nays – None.

Mayor Nations adjourned the meeting at 8:10 p.m.

_____
Mayor John Nations

ATTEST:

_____
Martha L. DeMay, City Clerk